

REMARKS

Status of the Claims

Claims 37, 43-47 and 65 were rejected. Claims 37, 43-47 and 65 remain pending.

Claims 37, 43, and 65 have been amended to recite the official American Tissue Culture Deposit Number of the recited cell line. Claims 43, 45, 46, and 47 have been amended to correct obvious errors. No new matter has been entered by way of these amendments.

The Rejection of the Claims Under 35 U.S.C. §112, Second Paragraph, Should Be Withdrawn

Claims 37, 43-47, and 65 were rejected under 35 U.S.C. §112, second paragraph, for indefiniteness for not reciting the official ATCC deposit number. This rejection is respectfully traversed. Claims 37, 43-47, and 65 have been amended to recite the official deposit number. In addition, a declaration submitted under 37 C.F.R. §1.802 is enclosed herewith. In view of the amendment and the enclosed declaration, the Examiner is respectfully requested to withdraw the rejection of claims 37, 43-47, and 65 under 35 U.S.C. §112, second paragraph.

The Rejection of the Claims Under 35 U.S.C. §112, First Paragraph, Should Be Withdrawn

Claims 37, 43-47 and 65 were rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. This rejection is respectfully traversed. The recitation of the official ATCC deposit number in claims 37, 43-47, and 65, along with the enclosed declaration submitted under 37 C.F.R. §1.802, obviate the rejection of the claims. The Examiner is respectfully requested to withdraw the rejection of claims 37, 43-47, and 65 under §112, first paragraph.

Claims 43-49 were rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. This rejection is respectfully traversed.

The Examiner states that the article "an" conveys that the method is able to detect a single HIV. As suggested by the Examiner, claims 43-49 have been amended to remove the term "an." The Examiner is respectfully requested to withdraw the rejection of claims 43-49 under 35 U.S.C. §112, first paragraph.



The Rejection of the Claims Under 35 U.S.C. §102(b) Should Be Withdrawn

Claims 37 and 65 were rejected under 35 U.S.C. §102(b) as being anticipated by Reddel *et al.* (U.S. Patent No. 5,443,954). This rejection is respectfully traversed.

The Examiner states that claims 37 and 65 are drawn to a deposited cell line or a kit comprising a deposited cell line which have no identifying characteristics. Claims 37 and 65 have been amended to recite that the cell line is deposited with the American Tissue Culture Collection as Patent Deposit No. PTA-5659. Reddel *et al.* does not teach the deposited cell line recited in amended claims 37 and 65, and the Examiner is respectfully requested to withdraw the rejection.

CONCLUSIONS

In view of the foregoing amendments and remarks, Applicants respectfully submit that the rejection of claims 37, 43-47 and 65 are overcome. Accordingly, Applicants submit that this application is in condition for allowance. Early notice to this effect is solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 4, 2004

Pamela Lockley

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